IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CRMPM No.435 of 2007

Decided on: July 4, 2007

Feroz Khan **.....Applicant.**

VERSUS

State of H.P. **.....Respondent.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Applicant : **Mr. Deepak Kaushal, Advocate.**

For the Respondent : **Mr. Ashok Chaudhary, Additional Advocate General.**

Surjit Singh, Judge (Oral)

Applicant has been taken into custody by the Police of Police Station, Paonta Sahib, for allegedly committing offences punishable under Sections 498-A and 307 IPC.

2. Allegations, as per police record, may be summed up thus. Parveena Begum, complainant, is married to the applicant. Marriage had taken place on 25th March, 2007. Soon after the marriage, applicant and his mother allegedly started harassing Parveena Begum for not bringing sufficient dowry and started making demands for more dowry. On 25th April, 2007, the applicant is alleged to have taken Parveena Begum to the village well at midnight on the pretext that she was to be exorcised of evil spirits. He made his wife to sit on the edge of the well with face towards the well and then pushed her into the well. The lady survived because she fell on a plank fitted in the well. She raised hue and cry. Several persons from the neighbourhood reached and rescued her.

Whether the reporters of the local papers may be allowed to see the judgment?

3. I have heard the learned counsel for the applicant as also the learned Additional Advocate General.

4. As per the police record, the plank on which the lady fell is 40 feet below the edge of the well from where she was allegedly pushed. She, however, sustained no serious injury. The only injuries, which she sustained, were 2 cm wound on the bridge of the nose and haemotoma of the left eye-brow, as per medico legal report. She was medically examined on the next following day very late in the evening, i.e. at 8.15 p.m. The doctor has not expressed any opinion as to the age of the injuries. Now, if the lady had been pushed into the well and she landed on a plank 40 feet deep, she was supposed to have sustained some serious injuries.

5. There is also delay in reporting the matter to the police. Initially, the matter was reported on 26th April, 2007 at 8.05 p.m., which was entered in the *Rojnamcha*. Formal FIR was lodged on the next day, i.e. on 27th April, 2007. In the *Rojnamcha*, the manner in which the lady was taken to the well appears different from the manner recorded in the formal FIR. In the *Rojnamcha* entry it is stated that at the well the lady was beaten up and then pushed into the well. In the formal FIR it is stated that she was taken to the well on the pretext that she was to be exorcised of evil spirits and was made to sit on the embankment of the well and was then pushed.

6. The witnesses, who allegedly reached the spot and retrieved the lady from the well are all related to her.

7. Taking into account the abovestated facts and circumstances, I do not think detention of the applicant pending trial of the case would be justified. Hence, the application is allowed and the applicant is ordered to be released on his furnishing bail bond in the sum of

Rs.10,000/- with one surety in the like amount to the satisfaction of the Judicial Magistrate, Paonta Sahib. Application stands disposed of.

Copy *Dasti.*

July 4, 2007(sd) **(Surjit Singh), J.**